

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Crim. 360 (LAP)

5 BRIAN COLL and BYRON TAYLOR,

6 DEFENDANTS.

7 -----x
8 New York, N.Y.
9 JUNE 25, 2015
3:00 p.m.

10 Before:

11 HON. LORETTA A. PRESKA,

12 District Judge

13 APPEARANCES

14 PREET BHARARA

15 United States Attorney for the
16 Southern District of New York

BROOKE CUCINELLA

17 JEANNETTE A. VARGAS

Assistant United States Attorney

18 SAM SCHMIDT

19 Attorney for Defendant Coll

20 SAM BRAVERMAN

21 Attorney for Defendant Taylor

1 (Case called)

2 THE COURT: I take it the defendants have to be
3 arraigned on the indictment.

4 MS. CUCINELLA: That's correct, Judge.

5 THE COURT: Gentlemen, would you rise, please.
6 Gentlemen, have you received a copy of the indictment against
7 you, 15 Crim. 360?

8 DEFENDANT COLL: Yes, your Honor.

9 DEFENDANT TAYLOR: Yes, your Honor.

10 THE COURT: Have you gone over it with your attorney?

11 DEFENDANT COLL: Yes, your Honor.

12 DEFENDANT TAYLOR: Yes, your Honor.

13 THE COURT: Have your attorneys explained to you the
14 charges against you?

15 DEFENDANT COLL: Yes, your Honor.

16 DEFENDANT TAYLOR: Yes, your Honor.

17 THE COURT: Gents, would you like me to read this
18 whole thing out loud in court now, or is it sufficient that you
19 have reviewed it with your lawyers?

20 DEFENDANT COLL: It's sufficient, ma'am.

21 DEFENDANT TAYLOR: Sufficient, your Honor.

22 THE COURT: How do you now plead?

23 DEFENDANT COLL: Not guilty, your Honor.

24 DEFENDANT TAYLOR: Not guilty, your Honor.

25 THE COURT: Thank you. You may be seated.

1 What's the status of discovery, please?

2 MS. CUCINELLA: Your Honor, the government will be
3 making its first production today. We have for your Honor's
4 consideration a proposed protective order on consent that both
5 counsel for the defendants have signed and the government has
6 signed.

7 It serves to protect all of the discovery in this
8 case, with the exception of documents that are otherwise
9 public. I talked to defense counsel, to the extent we've
10 produced anything they believe should be exempted from, we will
11 discuss and reserve some resolution to do this.

12 THE COURT: Yes. I've reviewed the draft. Would you
13 like to hand up the original.

14 MS. CUCINELLA: Sure.

15 MR. SCHMIDT: Your Honor, so it's clear, if there's an
16 item that we believe needs to be raised other than the
17 protective order and both defense counsel and the government
18 agree to it, is it necessary for us to seek a modification of
19 the order, or is our agreement sufficient?

20 THE COURT: Your agreement is sufficient, but out of a
21 nexus of caution, you should memorialize it.

22 MR. SCHMIDT: Thank you.

23 THE COURT: The protective order is acceptable. It
24 protects, obviously sensitive information I assume like autopsy
25 reports and the like. It is signed.

1 What is the volume of discovery that the government
2 looks to produce, please?

3 MS. CUCINELLA: There are a number of documents,
4 photos filed in this case. It involves the investigative files
5 of two agencies, as well as the FBI's investigative files.

6 We believe we should be able to complete discovery in
7 the next I would say eight weeks. We still have some subpoenas
8 outstanding, and we're waiting for some returns, including
9 phone records and things of that nature.

10 The bulk of it should be produced I would say within
11 the next month, and we would ask until the next court date to
12 finalize all of our production.

13 THE COURT: And, counsel, do I correctly understand
14 that you would like to return on September 29 at 4:00? And
15 tell me if you foresee any motions.

16 MR. SCHMIDT: That's exactly right, Judge.

17 THE COURT: Okay. So September 29, 4:00.

18 Mr. Schmidt.

19 MR. SCHMIDT: I had an initial discussions with the
20 prosecuting counsel regarding Brady material, and there may be
21 disagreement as to that material.

22 So prior to our appearance in court in September, I
23 may try to address that issue first, of course, with the
24 government. If we can't reach an agreement, I ask that we be
25 permitted to address that with your Honor.

1 THE COURT: Yes, sir.

2 MR. SCHMIDT: Thank you.

3 MS. CUCINELLA: Just to put on the record, the
4 government is aware, of course, of its obligations under Brady.
5 If there is any Brady in this case, it will be produced. Brady
6 and Giglio will be produced in due course.

7 THE COURT: Yes, ma'am. Is there anything else today,
8 counsel?

9 MS. CUCINELLA: The government would ask that we
10 exclude time between today and September 29 to allow the
11 government to produce discovery, the defendants to review that
12 discovery and to determine if they have any motions, and to
13 allow the parties to begin to discuss any negotiations
14 regarding a pretrial resolution.

15 THE COURT: Any objection, gents?

16 MR. BRAVERMAN: No, your Honor.

17 MR. SCHMIDT: No, your Honor.

18 THE COURT: Very well. In order to permit all of
19 those activities to take place, time between today and
20 September 29 is excluded from calculation under the Speedy
21 Trial Act in the interests of justice. Thank you, ladies and
22 gentlemen. Good afternoon.

23 (Adjourned)

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